

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawing includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet that included FIG. 1.

In the Replacement Sheet of FIG. 1, a controller 20 in a radiotelephone 4 has been included, consistent with corresponding description and claims provided in the Specification. Approval and entry of the Replacement Sheet is respectfully requested.

Attachment: Replacement sheet of FIG. 1

### **REMARKS**

The Office Action dated April 12, 2006 has been received and carefully noted. The above amendments to the claims, drawings, and the following remarks, are submitted as a full and complete response thereto. Allowed claim 30 has been amended to improve clarity of the features recited therein and it is not intended to alter the scope of the allowed claim. Because minor changes were made to this claim, a new search is not needed. New claim 42 has been added corresponding to the recitations of claim 30 and including means-plus-function recitations. Also, claims 37 and 38 have been amended to improve clarity of the features recited therein. No new matter is being presented, and approval and entry are respectfully requested.

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 23-36.

Claims 23-42 are pending and under consideration.

### **OBJECTIONS TO THE DRAWINGS:**

In the Office Action, at page 2, FIG. 1 was objected to. In view of the accompanying Replacement Sheet to FIG. 1 correcting the objections presented in the Office Action, it is respectfully asserted that the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objection to FIG. 1 is respectfully requested.

**AMENDMENTS TO THE SPECIFICATION:**

The Specification is amended herein to describe a controller originally recited in the present application, taking the Examiner's comments into consideration, and directed to being consistent with the changes made to FIG. 1. The Applicants respectfully request that the Examiner approves and enters the changes made to the Specification.

**REJECTION UNDER 35 U.S.C. § 112:**

In the Office Action, at page 3, claims 37-41 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, the Office Action indicates that it is not clear what is triggering or what is causing the "an initiation of a call with a second network." In response, claim 37 has been further amended to recite, "an initiation of a call between the network and a second network."

In addition, the Office Action indicates that it is unclear as to what "a signal" recited in independent claim 37, is referring to and where the signal is coming from. To further clarify the recitations of independent claim 37, without changing the scope of the claim, this claim has been amended to recite, "a controller, in response to a signal from the network, configured to change the data rate of data being transmitted through the

channel of the radiotelephone.” Because independent claim 37 recites “a controller, in response to a signal from the network,” clearly the signal is coming from the network, which, as recited in the preamble of independent claim 37, “initiates a change in a data rate of a channel from a first data rate to a second data rate.” Also, the recitations of independent claim 37 clearly recite that, in response to a signal from the network, the controller is configured to change the data rate. Thus, in view of the amendments made to independent claim 37, it is respectfully asserted that the recitations of independent claim 37 are definite and it is respectfully requested that the rejection to the claim be withdrawn.

Furthermore, on page 3 of the Office Action, independent claim 38, lines 1-2, was rejected as being confusing. To further clarify the recitations of independent claim 38, the preamble of this claim has been amended to further recite, “A method of communicating through a network with a plurality of radiotelephones via respective communication channels over a carrier.” In view of the amendments to independent claim 38, it is respectfully requested that the rejection to this claim be withdrawn.

Thus, in view of the foregoing, it is respectfully requested that the rejection to claims 37-41 be withdrawn.

#### **CONCLUSION:**

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art.

Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 37-42 be found allowable and, along with allowed claims 23-36, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Replacement Drawing (1 sheet – FIG. 1)  
Petition for Extension of Time  
Check No. 14767